

BURSOR & FISHER, P.A.

Stefan Bogdanovich (State Bar No. 324525)
Brittany S. Scott (State Bar No. 327132)
1990 North California Blvd., Suite 940
Walnut Creek, CA 94596
Telephone: (925) 300-4455
Facsimile: (925) 407-2700
E-mail: sbogdanovich@bursor.com
bscott@bursor.com

BURSOR & FISHER, P.A.

Philip L. Fraietta (*admitted pro hac vice*)
1330 Avenue of the Americas, 32nd Floor
New York, NY 10019
Telephone: (646) 837-7150
Facsimile: (212) 989-9163
E-Mail: pfraietta@bursor.com

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

CALVIN LINCOLN III, individually and on
behalf of all others similarly situated,

Plaintiff,

v.

MX TECHNOLOGIES, INC.,

Defendant.

Case No. 2:23-cv-00806-MCE

**PLAINTIFF'S MOTION FOR
ADMINISTRATIVE RELIEF AND
ORDER TO ACCEPT PLAINTIFF'S
OMNIBUS OPPOSITION BRIEF AS
FILED**

Judge: Hon. Morrison C. England, Jr.

1 Plaintiff's counsel erroneously filed one 25-page brief opposing Defendant's two separate
2 motions (to transfer and dismiss, ECF Nos. 25 and 26), mistakenly believing it was within the page
3 limit. Plaintiff's counsel acknowledge their error and recognize that they should have consulted
4 the Court's Initial Pre-Trial Scheduling Order. Nonetheless, pursuant to Local Rule 233, Plaintiff's
5 counsel respectfully request the Court accept the brief as filed, given that Plaintiff's 25-page
6 omnibus opposition is below the 40 pages Plaintiff is allotted for two separate opposition briefs.

7 Defendant opposes Plaintiff's request and takes the position that Plaintiff's brief should be
8 stricken. Should the Court agree, Plaintiff proposes that he be given leave to split his omnibus
9 opposition into two briefs, one responding to the motion to transfer, and the other responding to the
10 motion to dismiss. Both briefs, combined, would be the same, approximately 25 pages. Plaintiff
11 believes efficiency favors the submission of one 25-page omnibus brief, but will, of course, defer
12 to the Court's directive.

13
14
15 Dated: October 19, 2023

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16 By: /s/ Stefan Bogdanovich
17 Stefan Bogdanovich

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Attorneys for Plaintiff

ORDER

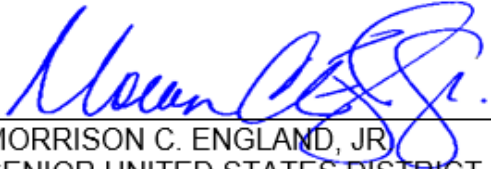
Having considered the Plaintiff's motion for administrative relief, the Court accepts Plaintiff's omnibus opposition brief (ECF No. 32), as filed. Defendant may choose to file either one omnibus reply brief or two separate briefs corresponding to each original Motion.

The parties are advised, however, that this Court does not have the time or the patience to entertain disputes over such insubstantial minutiae. Counsel of the caliber appearing in this case should know not to dig their heels in over every disagreement. Plaintiff's combined twenty-five (25) page opposition is fifteen (15) pages shorter than would be allowed if separate oppositions were filed. Defendant may not like it, but that saves the Court time, which is greatly appreciated in this district. In any event, even if separate briefs would together have been limited to twenty-five (25) pages, the Court fails to see how Plaintiff presenting his arguments in one or two briefs matters in the slightest. There is simply no prejudice to Defendant in having to reply in either one combined or two separate briefs, depending on its preference.

Accordingly, counsel are admonished that the Court will not look kindly on having to referee such trivial arguments going forward. In addition, if counsel prefer to avoid sanctions down the road, they would be wise to find a way to work together to litigate this case both professionally and efficiently.

IT IS SO ORDERED.

Dated: October 19, 2023


MORRISON C. ENGLAND, JR.
SENIOR UNITED STATES DISTRICT JUDGE